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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/289,290	08/11/1994	RALPH H. WEICHSELBAUM	092234-9022-00	1375

23510 7590 12/11/2007
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EXAMINER

LI, QIAN JANICE

ART UNIT	PAPER NUMBER
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1633

MAIL DATE	DELIVERY MODE
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12/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
08289290	8/11/94	WEICHSELBAUM ET AL.	092234-9022-00

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EXAMINER

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ART UNIT	PAPER
1633	20071129

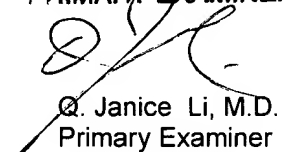
DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attached Examiner's amendment.

**Q. JANICE LI, M.D.
PRIMARY EXAMINER**


Q. Janice Li, M.D.
Primary Examiner
Art Unit: 1633

DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Wendy Saffrood on December 4, 2007.

The claims have been amended as follows:

Claim 29. (Cancelled)

Claim 31. (Currently amended) A method of expressing a radioprotecting or radiosensitizing factor in a mammal comprising administering to the mammal an effective amount of ~~a the~~ pharmaceutical composition of ~~claim 29~~ comprising a genetic construct comprising a nucleic acid that encodes a TNF- α operatively linked to a constitutive promoter dispersed in a pharmacologically acceptable carrier, wherein the genetic construct is packaged within an adenovirus particle.

Claim 37. (Cancelled)

Claim 38. (Currently amended) A process of inhibiting growth of a tumor in a host comprising the steps of:

- (a) injecting into the tumor a therapeutically effective amount of a the pharmaceutical composition of claim 29 comprising a genetic construct comprising a nucleic acid that encodes a TNF- α operatively linked to a constitutive promoter dispersed in a pharmacologically acceptable carrier, wherein the genetic construct is packaged within an adenovirus particle, and
- (b) administering to the host an effective dose of ionizing radiation, whereby the growth of the tumor is inhibited by expression of the nucleic acid encoding a TNF- α and the administration of ionizing radiation.

Conclusion

Claims 1-3, 6, 8-14, 18-28, 31-36, 38-42 are allowable. However, the application will be forwarded to the Board of Patent Appeals and Interference for an interference proceeding.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Q. Janice Li** whose telephone number is 571-272-0730. The examiner can normally be reached on 9:30 am - 7 p.m., Monday through Friday, except every other Wednesday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Joseph Weitach** can be reached on 571-272-0739. The fax numbers for the organization where this application or proceeding is assigned are **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

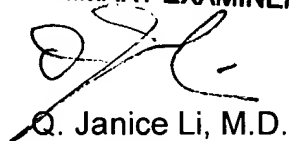
Application/Control Number:
08/289,290
Art Unit: 1633

Page 4

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**Q. JANICE LI, M.D.
PRIMARY EXAMINER**



Q. Janice Li, M.D.
Primary Examiner
Art Unit 1633

QL

December 4, 2007